HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 949 OF 2006

PETITIONER — Dwarika Prasad Yadav, son of Late Shri Narayandeen Yadav, aged about 62 years, resident of A-53, Indira Vihar Colony, Bilaspur, Tehsil & District Bilaspur (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary Ministry of Revenue, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, Bilaspur, Tehsil & District Bilaspur (C.G.)

Present : Shri Pankaj Shrivastava, learned counsel for the petitioner. Shri Prashant Mishra, learned Addl. A.G. with Shri Sanjay S. Agrawal, learned G.A. for the State of C.G.

(ORAL ORDER)
(Passed on 28th February, 2006)

The petitioner is an Army-man. He applied for grant of subject land comprised in Khasra No.1364/3, admeasuring 5 acres, situate in village Ramtala, Tehsil & District Bilaspur to the Collector, Bilaspur, the 2nd respondent herein. By the impugned order, the 2nd respondent rejected the application on the ground that he is not a resident of Chhattisgarh State, because, according to the records he was born in a place called Parasiya which formed part of present of State of Madhya Pradesh. But, it is the specific case of the petitioner that having served the army he was discharged in the year 1977 and within a short time he came down and settled himself in Bilaspur and since 1980, he has been a permanent

resident of present State of Chhattisgarh. I do not think that the Collector has acted legally in rejecting the application on the aforementioned reason. The Collector ought to have considered the specific case of the petitioner that since 1980 he has been a permanent resident of Chhattisgarh State and on that basis ought to have considered the application in terms of the Circular dated 22-02-1984 issued by the State Government, as amended on 01-06-2000.

(2) In the result, I allow the writ petition and set aside the order of the 2nd respondent impugned in this writ petition and remand the proceedings to the District Collector, the 2nd respondent herein, with a direction to reconsider the application of the petitioner and pass appropriate order on merit, in the light of this order. No costs.

Sd/-
Chief Justice

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